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7590 05/18/2005	**EXAMINER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

Response To Applicant's Arguments

Applicant's arguments, with respect to the claims, are based on the newly amended claims and are addressed in the Office Action below. Further, the Applicant's newly amended claims are based in general on intended use. Intended use-type claim limitations are not positive limitations, but only require the ability to perform a particular function. The test here is whether the prior art is capable of performing the disclosed tasks or functions. In the affirmative, the prior art is said to "read on" the claim limitations. For example, the device disclosed by Freeman is capable to store information and communicate with a variety of wireless equipments such as cellular phones, pagers and so on. Hence, it can be concluded that the Freeman's device is configured to record therein personal data such as phone numbers and calendars in addition to rebate data. In this case, the Freeman's system reads on the associated claims (MPEP 2114).

Therefore, the Applicant's request for allowance or withdrawal of the last Office Action has been fully considered and respectfully denied in view of the foregoing response since the Applicant's arguments as herein presented are not plausible and thus, the current **Office Action has been made Final.**

DETAILED ACTION

Specification

Priority Information

This Application is a divisional Application of Parent co-pending Application SN 09/684,737, filed on October 06, 2000.

Status of the claims

Claims 1-20 are currently pending in the present Application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie, US

Patent 6,467,686B1 in view of Freeman, US Patent 6, 450, 407B1.

As per claims 1 and 6, Guthrie discloses a system for providing electronic coupons or

negotiable economic credits to a user over the Internet or any other computer network having a

server containing a central repository or database storing the electronic coupon data, wherein the

electronic coupon data are downloaded to the user's portable device or handheld device or

coupon scanner connected to a cradle. **The stored coupon data are marked with a unique**

personal identifier that will electronically stamp the coupon data with the user's personal

information. Once the user has uploaded the coupon scanner or handheld device with the

desired coupon data, the user can take the coupon scanner to a participating retail store where he

can redeem the electronic coupons at the retail store checkout through a POS cradle (docking

station 22 of figs. 1, 6 and 7, infrared device interface or wireless device interface) located at the

checkout used to upload or transfer the coupon data from the coupon scanner or handheld device

to the retail store system (synchronization of POS and the handheld device) and wherein the

cradle is an infrared transceiver device interface or wireless device interface. In other words, a

wireless connection (wireless communication network) is used during the synchronization

process between the coupon scanner or the handheld device and the retail store POS system to

transfer coupon data related to at least one electronic coupon or negotiable economic credit from

the coupon scanner or handheld device database to the retail store POS system to effect a

redemption when the required product is bought during a transaction. It is further to be

understood that the user or the bearer of the handheld device initiates the redemption of the at

least one electronic coupon and hence, the user authorizes the transfer of the coupon data related

to the at least one electronic coupon from the handheld device database or memory to the POS

system.

(Col. 4: 64 to col. 5: 24; col. 7: 48 to col. 8: 24; col. 8: 66 to col. 9: 34; See claims 1, 8

and 22 of the current reference).

As per claims 14, 2-3 and 7-9, Guthrie discloses a system for providing electronic

coupons or negotiable economic credits to a user over the Internet or any other computer

network having a server containing a central repository or database storing the electronic coupon

data, wherein the electronic coupon data are downloaded to the user's portable device or

handheld device or coupon scanner connected to a cradle (docking station 22 of figs. 1, 6 and 7).

In an alternate embodiment, the coupon data are read from a static reference, such as a static

paper or a paper coupon 25, and scanned into the coupon scanner memory or internal database

by running the scanner face of the scanner device portion (bar code scanner or optical device or

laser scanner) of the customer's portable device over the scannable section of the coupon 25

(such as a bar code 23) (using a bar code scanner, laser scanner or optical scanner related to the

handheld device to scan and upload the coupon data into the user's portable device memory-figs.

1 and 8; col. 4: 5-24; col. 8: 25 to col. 9: 6; see also claims 12, 13-14 and 18 of the present

reference). In the portable device memory, the stored coupon data are marked with a unique

personal identifier that will electronically stamp the coupon data with the user's personal

information. Furthermore, the coupon scanner further contains routines or a coupon management

program (coupon management module) within its memory or database for managing the storage

and usage of the electronic coupon data within the memory of the coupon scanner or handheld device (col. 5: 25-36; col. 8: 15-65; col. 9: 33-34). Finally, once the user has uploaded the coupon scanner or handheld device with the desired coupon data, representing all desired coupons 25, then the user can take the coupon scanner to a retail store where he can redeem the electronic coupons at a retail store checkout through a POS cradle (docking station 22 of figs. 1, 6 and 7, infrared device interface or wireless device interface) located at the checkout used to upload or transfer the coupon data from the coupon scanner to the retail store system (synchronization of POS and handheld device) and wherein the cradle is an infrared transceiver device interface or wireless device interface. In other words, a wireless connection (wireless communication network) is used during the synchronization process between the coupon scanner or the handheld device and the retail store POS system to transfer coupon data related to at least one electronic coupon or negotiable economic credit from the coupon scanner to the retail store POS system (Col. 4: 64 to col. 5: 24; See claims 1, 8 and 22 of the current reference), (Col. 4: 64 to col. 5: 24; col. 7: 48 to col. 8: 24; col. 8: 66 to col. 9: 34) and (col. 8: 66 to col. 9: 34).

As per claims 1, 6 and 14, Guthrie does not explicitly disclose using a mobile phone or a paging device or PDA **adapted to enable the user to communicate over a wireless communications network, access the Internet, store therein and manage personal data including telephone numbers, calendars and negotiable economic credits...(intended use)**

However, Freeman discloses a method and system for providing advertisement information and electronic rebate or credit to a consumer for reading the an advertisement and

for buying a product featured in the advertisement, wherein the advertisement information and

the electronic rebate information (cash or financial reward) are transferred to the consumer's

handheld device or chip card memory over a plurality of communication channels or

communication means (or networks) including the Internet and wireless means (wireless

networks) (col. 6: 2 to col. 7: 59; fig. 3; col. 9: 11-18). In general, once a rebate is stored in the

memory of the chip card, the consumer can then take the chip card to a participating POS, where

it can be used (redeemed) during a synchronization process with the POS terminal. Indeed,

rebates are conveyed or provided to the consumer by communication from the advertisement

information provider to the customer's chip card memory via a multiplicity of possible channels

or communication means including a personal computer, a portable chip card reader, **a point-of-
sale (POS) terminal, a handheld device, a home or business telephone, a vending machine,
a cellular phone, a pager, a mass transportation payment station, a television and/or
television set-top box or an automated teller machine (ATM).**

In one instance, rather than giving a discount at the point of sale, instead a rebate in the

form of electronic money is transferred therefrom and stored in the chip card memory for later

retrieval and consumption. In fact, during a purchase transaction at a POS when the chip card is

used to purchase a product, the system determines whether a rebate is associated with the product

being purchased, and if a rebate is associated with the product, then the rebate in the form of

electronic money is entered into the memory of the card during the purchase transaction (col. 6:

1 to col. 7: 21; col. 9: 11-18).

The system further includes the steps of tracking and storing integrated relational

information regarding advertisement information, products and customer's buying habits with

respect to those products for which rebates have been given and related advertisements have

been viewed, the number of times an advertisement stored on the chip card has been retrieved

and display on a screen coupled to the chip card (conducted in a wireless mode), wherein this

tracking information (profile information) can be stored in the memory of the chip card or on a

network database and used to provide targeted advertisement and hence, targeted rebate to the

consumer. In other words, determination of which particular advertisement information and

associated rebates to transfer and store onto the chip card may be based on customer information

available to the providers of the advertisement information and collected directly or indirectly

from the consumer (in a wireless or non-wireless environment). Additionally, electronic money

may be put into electronic purse (chip card) without any purchase of the product associated with

the advertisement and the system could be so configured such that the amount of electronic

money loaded therein would be a function of how much information (profile data) the consumer

was willing to share to provide better targeting of the advertisement and hence, the rebate

distribution. The more user-characterizing information or profile allowed by the consumer for

targeting, the more there would be rebated per advertisement downloaded (col. 9: 20-28; col. col.

11: 6-8; col. 13: 60-64). The system is further operable to vary the value of the rebate that may

be associated with a product based on purchases made by the user or based on the number of

purchases made by the user, increase the value of the rebate with increasing number of purchases

of the product associated with the rebate and so on (varying the value of a rebate based on the

user's transaction history or profile stored on the chip card), wherein the value of the rebate may

be downloaded, from a web site over a network or the Internet, onto the chip card memory with

the download of the advertisement information and the step of entering the rebate into the

memory of the card as electronic money may comprise loading the amount of the rebate into the electronic purse of the chip card. Alternatively, the value of the rebate may be stored on a computer network or a point of sale terminal until the time of a purchase at which a rebate is made to the user.

In short, **the rebate may be transferred or entered into the memory of the chip card by the user via a network or the Internet or a cash register or other point-of-sale device, a personal computer, a portable chip card reader, a handheld device (wireless means or wireless network), a home or business telephone, a pay telephone, a vending machine, a cellular phone, a pager, a mass transportation or toll payment station or toll booth (transferring the rebate or credit to the handheld device via a wireless network), a television, television set top box and an automatic teller machine (ATM).** The advertisement related to the rebate is conveyed to the user and transferred to the user's chip card in a similar manner using similar communication means.

(Col. 9: 35 to col. 10: 23; col. 12: 3-55; col. 13: 35 to col. 15: 12; fig. 2).

In addition, the stored rebate (stored on the memory of the chip card), in the form of electronic money, may be spent (redeemed) or transferred by the user during a communication or synchronization with **a cash register or other point-of-sale device (during a transaction at a POS), a personal computer, a portable chip card reader, a handheld device (wireless means or wireless network), a home or business telephone, a pay telephone, a vending machine, a cellular phone, a pager, a mass transportation or toll payment station or toll booth**

(wireless transaction with a toll booth), a television, television set top box and an automatic teller machine (ATM). See col. 10: 24-32.

In summary, the user receives a targeted advertisement, based on profile information stored on the chip card, wherein the targeted advertisement is related to a product and the user is provided with a targeted rebate for downloading the targeted advertisement to his chip card and for buying the featured product.

See in general col.15: 41 to col. 16: 50; figs 4-8.

Finally, wirelessly transmitting an incentive or coupon to a user's mobile device or pager to encourage the user to read an advertisement or transferring a coupon to the user's mobile device based on the user's present geographical location (user's profile), and wherein the transmitted coupon or incentive is stored in the memory of the mobile device or pager and later retrieved and redeemed at a POS during a wireless communication or synchronization with the POS terminal, is well documented and well taught in the art (no further disclosure is necessary here. See the Bandera's and the Deluca's references for detailed information).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the teachings of Freeman into the system of Guthrie so as to store in the user's handheld device (coupon scanner) or PDA or cellular phone, adapted to wirelessly communicate with other similar devices and POSes over a wireless communication network and to record therein other relevant information such as phone numbers, calendars, etc., profile information (including demographic and psychographic data and transaction history) related to

the user, wherein the profile information is used to provide targeted credits or coupons to the

user and wherein the targeted credits are uploaded to the handheld device during a

communication or synchronization process between the handheld device and a central computer

or a POS or point of transaction over a network, such as the Internet or over a wireless or a

paging network, thereby rendering the coupon or credit distribution system more personal and

hence more appealing to the user and the user's handheld device more useful, while allowing the

user to record personal data in the memory of the handheld device and to wirelessly receive

targeted advertisements and targeted coupons or credits , such as time and location-sensitive

coupons, while traveling on the road or passing through a toll booth and wherein the targeted

coupons may be redeemable at a local POS located within the vicinity of the user's travel path.

Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie in

US Patent 6, 467, 686B1 in view of Bandera, US Patent 6,332,127B1.

As per claims 1, 6, 14 and 20, Guthrie does not expressly disclose using a PDA or a cell

phone or a paging device adapted to communicate with other handheld devices via a wireless

network, including a Bluetooth, adapted to store therein and manage telephone numbers,

calendar information and negotiable economic credits.

However, Bandera discloses a method, system and/or computer program product for

providing time and location specific advertising object and other information object via a

communication means 25 of fig. 1 to a user or customer using a portable terminal or mobile web

client 21 of fig. 1, such as a wireless or cell phone, PDA, etc., having a display or screen, an

input device and so forth, connected to the communication means or Internet 25 wherein

advertising object 32 and an associated coupon object are returned to the user via a web page 26

along with the user's requested information in response to the user accessing a web site for

information and wherein an object oriented programming language such as JAVA (software or

management module) or more specifically a JAVA Virtual Machine or JVM is running on the

portable terminal or handheld device so as to allow JAVA Applets (programs written in JAVA)

to run on the portable terminal, thereby selecting advertisements to be displayed on the screen of

the portable terminal based on the present location, and/or time of the day, associated with the

mobile web client or portable terminal used by the user. The advertisement object and the

associated coupon are time and location dependent and the coupon is provided to the user as an

incentive to encourage the user to read the displayed advertisement, which is returned to the user

along with the requested information. Coupon data related to the coupon object are downloaded

to the user's mobile client for storage in the memory of the mobile client or cell phone, which is

adapted to store the user's personal information including telephone numbers and calendar

information, adapted to communicate with other mobile clients or handheld devices. Once loaded

with the coupon data, the user can then take the mobile client to a local store to redeem the stored

coupon when the mobile client is synchronized with the local store POS via an IR, RF, Bluetooth

or wireless link (col. 9: 49 to col. 10: 51; figs. 4, 8 and 9).

(See abstract; figs. 1 and 6; col. 2: 33 to col. 3: 41; col. 5: 26 to col. 6: 24; col. 9: 29-41).

Therefore, an ordinary skilled artisan would have been motivated at the time of the

invention to incorporate the teachings of Bandera into the incentive distribution system of

Guthrie so as to use a handheld device, such as a wireless telephone, capable of wirelessly, via a

communication network including Bluetooth, communicating with other handheld devices,

capable of storing telephone numbers and calendar information in addition to coupon data and

user's identification information, thereby rendering the handheld device more useful to the user

who can use the handheld device to contact other users while on the road, to store personal data,

store coupon information and to redeem stored coupon data, while increasing the coupon

distribution and redemption rate significantly by enabling the user of the device not only to use

the device for his personal use, but also to participate in the promotional program.

Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Guthrie in US Patent 6, 467, 686B1.

As per claims 16-19, Guthrie discloses a system for providing electronic coupons or

negotiable economic credits to a user over the Internet or any computer network having a server

containing a central repository or database (coupon source) storing the electronic coupon data,

wherein the electronic coupon data are downloaded to the user's portable device or handheld

device or coupon scanner connected to a cradle during an interaction or synchronization between

the central repository and the coupon scanner. The stored coupon data are marked with a unique

personal identifier that will electronically stamp the coupon data with the user's personal

information. Once the user has uploaded the coupon scanner or handheld device with the desired

coupon data, the user can take the coupon scanner to a retail store where he can redeem the

electronic coupons at the retail store checkout through a POS cradle (docking station 22 of figs.

1, 6 and 7, infrared device interface or **wireless device** (interface or wireless network) located at

the checkout used to upload or transfer the coupon data from the coupon scanner to the retail

store system (synchronization of POS and handheld device) and wherein the cradle is an infrared

transceiver device interface or wireless device interface. In other words, a wireless connection

(wireless communication network) is used during the synchronization process between the

coupon scanner or the handheld device and the retail store POS system to transfer coupon data

related to at least one electronic coupon or negotiable economic credit from the coupon scanner

to the retail store POS system (Col. 4: 64 to col. 5: 24; See claims 1, 8 and 22 of the current

reference). In short, Guthrie supports transferring a credit or coupon, stored in the memory of the

customer's handheld device, from the handheld device to a store POS system to thereby perform

a redemption and wherein the transferring or synchronization is conducted in a wireless mode.

Here, Guthrie does not explicitly disclose using a wireless personal area network, a

Bluetooth network, a paging network, a Wireless Intelligent Network (WIN) or a CDMA

network as opposed to a regular wireless network (such as a RF or IR as supported in the

reference) during the transfer of data (synchronization process) between the customer's handheld

device and the store POS system.

However, using a wireless personal area network, a Bluetooth network, a Wireless

Intelligent Network (WIN), a paging network or a CDMA network as opposed to a regular

wireless network (such as a RF or IR as supported in the reference) during the transfer of data

(synchronization process) between the customer's handheld device and the store POS system is a

matter of desires, design choice, design consideration or great convenience, which does not

directly impact the utility or functionality of the system or simply the transfer of coupon data or

credit information between the handheld device and the store POS system to thereby perform a

redemption or provide a credit to the customer during a transaction at the POS, wherein the

coupon data are transmitted from the handheld device to the POS system during the

synchronization process.

The latter findings (conclusion) are well within the skills of an ordinary artisan. Further.

Guthrie never limits his system to a specific wireless network. In other words, broadly

interpreting the teachings of Guthrie, the use of other well known wireless networks or

technologies are herein expected as would have understood one of ordinary skill in the art.

Therefore, an ordinary skilled artisan, reading or using the system of Guthrie, would have

reached the above conclusion and would have been motivated at the time of the invention to

consider utilizing other wireless networks to transmit coupon data or credit information between

the customer's handheld device and the store POS system to thereby rendering the system more

flexible by including other stores that may have installed other wireless networks at their

locations instead of an RF or IR system, as disclosed by Guthrie, to perform data transmission

between the customer's handheld device and the other store POS systems.

As per claims 4-5, 10-13 and 15, Guthrie discloses a system for providing electronic

coupons (new coupon data) or negotiable economic credits to a user over the Internet or any

computer network having a server containing a central repository or database (coupon source) storing the electronic coupon data, wherein the electronic coupon data are downloaded to the user's portable device or handheld device or coupon scanner connected to a cradle during an interaction or synchronization between the central repository and the coupon scanner. The stored coupon data are marked with a unique personal identifier that will electronically stamp the coupon data with the user's personal information. Once the user has uploaded the coupon scanner or handheld device with the desired coupon data, the user can take the coupon scanner to a retail store where he can redeem the electronic coupons at the retail store checkout through a POS cradle (docking station 22 of figs. 1, 6 and 7, infrared device interface or wireless device interface) located at the checkout used to upload or transfer the coupon data from the coupon scanner to the retail store system (synchronization of POS and handheld device) and wherein the cradle is an infrared transceiver device interface or wireless device interface. In other words, a wireless connection (wireless communication network) is used during the synchronization process between the coupon scanner or the handheld device and the retail store POS system to transfer coupon data related to at least one electronic coupon or negotiable economic credit from the coupon scanner to the retail store POS system (Col. 4: 64 to col. 5: 24; See claims 1, 8 and 22 of the current reference), (Col. 4: 64 to col. 5: 24; col. 7: 48 to col. 8: 24; col. 8: 66 to col. 9: 34) and (col. 8: 66 to col. 9: 34).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section

122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the

invention by the applicant for patent, except that an international application filed under the

treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an

application filed in the United States only if the international application designated the United

States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bandera,

US Patent 6,332,127B1.

As per claims 1, 6 and 20, Bandera discloses a method, system and/or computer program

product for providing time and location specific advertising object and other information object

via a communication means 25 of fig. 1 to a user or customer using a portable terminal or mobile

web client 21 of fig. 1, such as a wireless or cell phone, PDA, etc., having a display or screen, an

input device and so forth, connected to the communication means or Internet 25 wherein

advertising object 32 and an associated coupon object are returned to the user via a web page 26

along with the user's requested information in response to the user accessing a web site for

information and wherein an object oriented programming language such as JAVA (software or

management module) or more specifically a JAVA Virtual Machine or JVM is running on the

portable terminal or handheld device so as to allow JAVA Applets (programs written in JAVA)

to run on the portable terminal, thereby selecting advertisements to be displayed on the screen of

the portable terminal based on the present location, and/or time of the day, associated with the

mobile web client or portable terminal used by the user. The advertisement object and the

associated coupon are time and location dependent and the coupon is provided to the user as an

incentive to encourage the user to read the displayed advertisement, which is returned to the user

along with the requested information. Coupon data related to the coupon object are downloaded

to the user's mobile client for storage in the memory of the mobile client or cell phone, which is

adapted to store the user's personal information including telephone numbers and calendar

information, adapted to communicate with other mobile clients or handheld devices. Once loaded

with the coupon data, the user can then take the mobile client to a local store to redeem the stored

coupon when the mobile client is synchronized with the local store POS via an IR, RF, Bluetooth

or wireless link (col. 9: 49 to col. 10: 51; figs. 4, 8 and 9).

(See abstract; figs. 1 and 6; col. 2: 33 to col. 3: 41; col. 5: 26 to col. 6: 24; col. 9: 29-41;

col. 9: 66 to col. 10: 31).

Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman,

US Patent 6, 450, 407B1.

As per claims 1 and 6, Freeman discloses a method and system for providing

advertisement information and electronic rebate or credit to a consumer for reading the an

advertisement and for buying a product featured in the advertisement, wherein the advertisement

information and the electronic rebate information (cash or financial reward) are transferred to the

consumer's handheld device or chip card memory over a plurality of communication channels or

communication means (or networks) including the Internet and wireless means (wireless

networks) (col. 6: 2 to col. 7: 59; fig. 3; col. 9: 11-18). In general, once a rebate is stored in the

memory of the chip card, the consumer can then take the chip card to a participating POS, where

it can be used (redeemed) during a synchronization process with the POS terminal. Indeed,

rebates are conveyed or provided to the consumer by communication from the advertisement

information provider to the customer's chip card memory via a multiplicity of possible channels

or communication means including a personal computer, a portable chip card reader, **a point-of-**

sale (POS) terminal, a handheld device, a home or business telephone, a vending machine,

a cellular phone, a pager, a mass transportation payment station, a television and/or

television set-top box or an automated teller machine (ATM).

In one instance, rather than giving a discount at the point of sale, instead a rebate in the

form of electronic money is transferred therefrom and stored in the chip card memory for later

retrieval and consumption. In fact, during a purchase transaction at a POS when the chip card is

used to purchase a product, the system determines whether a rebate is associated with the product

being purchased, and if a rebate is associated with the product, then the rebate in the form of

electronic money is entered into the memory of the card during the purchase transaction (col. 6:

1 to col. 7: 21; col. 9: 11-18).

The system further includes the steps of tracking and storing integrated relational

information regarding advertisement information, products and customer's buying habits with

respect to those products for which rebates have been given and related advertisements have

been viewed, the number of times an advertisement stored on the chip card has been retrieved

and display on a screen coupled to the chip card (conducted in a wireless mode), wherein this

tracking information (profile information) can be stored in the memory of the chip card or on a network database and used to provide targeted advertisement and hence, targeted rebate to the consumer. In other words, determination of which particular advertisement information and associated rebates to transfer and store onto the chip card may be based on customer information available to the providers of the advertisement information and collected directly or indirectly from the consumer (in a wireless or non-wireless environment). Additionally, electronic money may be put into electronic purse (chip card) without any purchase of the product associated with the advertisement and the system could be so configured such that the amount of electronic money loaded therein would be a function of how much information (profile data) the consumer was willing to share to provide better targeting of the advertisement and hence, the rebate distribution. The more user-characterizing information or profile allowed by the consumer for targeting, the more there would be rebated per advertisement downloaded (col. 9: 20-28; col. col. 11: 6-8; col. 13: 60-64). The system is further operable to vary the value of the rebate that may be associated with a product based on purchases made by the user or based on the number of purchases made by the user, increase the value of the rebate with increasing number of purchases of the product associated with the rebate and so on (varying the value of a rebate based on the user's transaction history or profile stored on the chip card), wherein the value of the rebate may be downloaded, from a web site over a network or the Internet, onto the chip card memory with the download of the advertisement information and the step of entering the rebate into the memory of the card as electronic money may comprise loading the amount of the rebate into the electronic purse of the chip card. Alternatively, the value of the rebate may be stored on a

computer network or a point of sale terminal until the time of a purchase at which a rebate is made to the user.

In short, **the rebate may be transferred or entered into the memory of the chip card by the user via a network or the Internet or a cash register or other point-of-sale device, a personal computer, a portable chip card reader, a handheld device (wireless means or wireless network), a home or business telephone, a pay telephone, a vending machine, a cellular phone, a pager, a mass transportation or toll payment station or toll booth (transferring the rebate or credit to the handheld device via a wireless network), a television, television set top box and an automatic teller machine (ATM).** The advertisement related to the rebate is conveyed to the user and transferred to the user's chip card in a similar manner using similar communication means.

(Col. 9: 35 to col. 10: 23; col. 12: 3-55; col. 13: 35 to col. 15: 12; fig. 2).

In addition, the stored rebate (stored on the memory of the chip card), in the form of electronic money, may be spent (redeemed) or transferred by the user during a communication or synchronization with **a cash register or other point-of-sale device (during a transaction at a POS), a personal computer, a portable chip card reader, a handheld device (wireless means or wireless network), a home or business telephone, a pay telephone, a vending machine, a cellular phone, a pager, a mass transportation or toll payment station or toll booth (wireless transaction with a toll booth), a television, television set top box and an automatic teller machine (ATM).** See col. 10: 24-32.

In summary, the user receives a targeted advertisement, based on profile information stored on the chip card, wherein the targeted advertisement is related to a product and the user is provided with a targeted rebate for downloading the targeted advertisement to his chip card and for buying the featured product.

See in general col.15: 41 to col. 16: 50; figs 4-8.

Conclusion

The following references, although not officially used, are considered to be highly relevant.

US Patent 6,505,773B1 to Palmer discloses an online coupon issuing and redeeming system. The issuing system, including an issuing station or server located at the manufacturer's or clearinghouse site, generates customized advertisements and electronic coupons. The issuing system further comprises a consumer's computer, located at a consumer's site and coupled to a smart card reader/writer used to receive a smart card input from the consumer. Coupons are selected and downloaded from the issuing station or server over the Internet to the consumer's PC, which transfers the electronic coupons via the smart card reader/writer to the smart card inserted therein. In fact, when a consumer requests via his PC coupons from the issuing station or server over a communication network or the Internet, in response the issuing station transmits related targeted advertisements along with the coupons it generates to the consumer's PC. Furthermore, a program or management module provided by the issuing station runs on the consumer's PC to thereby making sure that the consumer absorbs or reads the entire

advertisement before transferring the coupons to the smart card via the smart card reader/writer

linked to the consumer's PC. The consumer can then take the smart card having the coupon data

encoded thereon to a participating retailer's POS, which is equipped with the traditional software

and hardware in addition to a smart card reader/writer interface capable of reading the

consumer's smart card. At the retailer's POS, the customer or consumer or the clerk or cashier

inserts the smart card into the smart card reader/writer, which reads the coupon data stored

therein and if one or more matches are found between one or more product UPC codes in the

smart card and one or more purchased items in the customer's order, then a price reduction is

applied to the customer's order and the smart card (microchip-based device) memory is updated

accordingly to reflect this redemption (or by deleting expired coupons maintained therein) (fig.

6). The redemption process is secured because of tamper-protected access to the coupons stored

in the smart card memory. (See abstract; col. 1: 11-17; col. 1: 50 to col. 2: 57; figs. 1-9; col. 3:

31-40; col. 3: 53-67; col. 4: 9-13; col. 4: 14 to col. 5: 26; col. 6: 21-32; col. 6: 33-46; see claims

3-9 of the present reference).

US Patent 5, 192, 854 to Counts discloses a system wherein a customer using a coupon

scanner or portable device scans coupon information from a paper coupon and stores the scanned

coupon information into the memory of portable device and wherein the customer takes the

portable loaded with the desired coupon data to a store POS where one or more coupons are

redeemed during a synchronization process.

WO 98/19229 to Fajkowski discloses a system wherein a customer using a coupon scanner or

portable device scans coupon information from a paper coupon and stores the scanned coupon

information into the memory of portable device and wherein the customer takes the portable loaded with

the desired coupon data to a store POS where one or more coupons are redeemed during a

synchronization process.

US Patent 6, 332, 127 to Bandera discloses a system for providing a coupon to a

customer wherein the coupon is downloaded from a web server and uploaded on the customer's

PDA device for permanent storage and wherein the PDA device is wireless connected to a store

POS during a redemption process (figs 9A-9B; col. 9: 49 to col. 10: 31).

US Patent 5, 870, 030 to Deluca discloses a system for providing a coupon to a customer

for answering quizzes related to advertisements displayed on the customer's pager and wherein

the coupon data are downloaded from a remote system and uploaded on the customer's pager

memory for permanent storage and wherein the pager having a bar code related to the stored

coupon is scanned during a redemption process at a POS terminal (fig. 8; col. 10: 29 to col. 11:

2; col. 12: 26-45).

US Patent 6, 332, 128 to Nicholson discloses a system for providing a multi-level

discount coupons to a customer wherein the discount coupons are encoded on a RF device, such

as a transponder.

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication from the Examiner should be directed to

Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally

be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner

by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached

at (703) 305- 8469.

For information on the status of your case, please call the help desk at (703) 3081113.

Further, the following fax numbers can be used, if need be, by the Applicant(s):

After Final-703-872-9327 Before Final -703-872-9326

Non-Official Draft- 703-746-7240

Customer Service- 703-872-9325

JDJ

05/10/05

JEAN D. JANVIER
PRIMARY EXAMINER